IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P.No.5906 of 2006

Date of Decision: May 04, 2007

Kaur Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR.
HON'BLE MR.JUSTICE RAJESH BINDAL.

Present: Mr.Suresh Kumar, Advocate,
for Mr.R.L.Gupta, Advocate,
for the petitioner.

Mr.Rupinder S.Khosla, AAG, Punjab,
for respondents No.1 to 3.

Mrs.Madhu P.Singh, Advocate,
for respondent No.4.

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M.M.KUMAR.,J.(Oral)

The dispute raised in this petition under Article 226 of Constitution of India is for issuance of directions to respondents to fix the pension of the petitioner and to release the arrears of salary, pension and other pensionary benefits etc. with interest.

In the reply filed by respondent No.4, the stand taken is that the petitioner never exercised his option for switching over to pension scheme and has opted for the contributory Provident Fund scheme. In support of his assertion, respondent No.4 has placed on record the letter of option signed by the petitioner showing that he did not opt for the pension scheme.

In view of the above, we find that the disputed questions of facts have been raised in this petition. Therefore, the instant writ petition is dismissed with liberty to the petitioner to avail any other remedy in accordance with law. With regard to delay in payment of the contributory Provident Fund, the petitioner may make a representation to respondent No.4 and the same shall be considered and disposed of in accordance with law.

(M.M.KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 04, 2007
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